REMARKS

Claims 1 and 2 have been amended to more clearly recite the present invention. The amendment to claim 1 has support, *inter alia,* in the Sequence Listing. Claim 4 has been amended merely to remove a typographical error as suggested by the Office Action. Accordingly, no new matter has been added by way of the amendment.

The Office Action objected to claim 4 because of the inclusion of a typographical error. The amendment of claim 4 obviates this basis of objection.

Claim 3 stands rejected as allegedly being indefinite. Specifically, the Office Action alleged that (i) the final step of the method does not relate back to the preamble and (ii) that the nature of the target sequence is unclear. Applicant has carefully reviewed claim 3 and respectfully requests reconsideration.

First, the preamble of claim 3 recites a method of amplifying a beta-2 adrenergic receptor and step (b) of the claim recites the generation of at least one copy of the target (i.e., amplification). Accordingly, applicant does not understand the rejection. Withdrawal of the rejection or further explanation (e.g., suggestion of a suitable claim amendment) is respectfully requested.

Second, the Office Action alleges that the nature of the target sequence in unclear. Applicant respectfully points out that the beta-2 adrenergic sequence is polymorphic in human populations. Thus, rather than calling for the amplification of "any" target sequence, the claim merely calls for the amplification of any 2 adrenergic sequence. Accordingly, applicant respectfully submits that the claim is definite in its present form, and the rejection should be withdrawn.

Claims 1-6 stand rejected as allegedly being obvious over Drazen and other references. Claims 1 and 2 no longer recite the term "comprising," but rather now recite the term "consisting of." Nothing in Drazen, Dewar, or Matalon teaches or even suggests the particular oligonucleotides recited in the pending claims, nor that "any" combination of oligonucleotides would be suitable for the detection or amplification of 2 targets. Accordingly, applicants respectfully submit that the obviousness rejection is inapplicable to claims 1-6 as pending.

In view of the foregoing amendments and remarks, applicants respectfully request allowance of the instant application.

Respectfully submitted,
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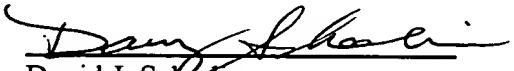

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: H. Yu, *et al.*

Serial No.: 09/542,718

Filed: April 4, 2000

Title: β2 Adrenergic Polymorphism Detection

Case No.: 6687.US.O1

Group Art No.: 1655

Examiner: D. Johannsen

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the:
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Washington, D.C. 20231, on:

Date of Deposit: MARCH 13, 2002

Julie Freeman 03/13/2002
Name Date

Pending Claims

MARKED-UP VERSION TO SHOW CHANGES

1. (Amended) A composition of matter [comprising] consisting of SEQ ID NO 2 and SEQ ID NO 3.

2. (Amended) A composition of matter for detecting a target sequence comprising a first nucleic acid comprising SEQ ID NO 2, a second nucleic acid comprising SEQ ID NO 3, and a third sequence selected from the group consisting of SEQ ID NO 4 and SEQ ID NO 5.

4. (Amended) A method for detecting a target sequence in a test sample comprising the steps of:
(a) forming a reaction mixture comprising nucleic acid amplification reagents, the composition of matter of claim 1, and a test sample suspected of containing a target sequence;
(b) subjecting the mixture to amplification conditions to generate [at] an amplification product;
(c) hybridizing a probe selected from the group consisting of SEQ ID NO 4 and SEQ ID NO 5 to the amplification product to form a hybrid; and
(d) detecting the hybrid as an indication of the presence of the target sequence in the test sample.

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